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9 ZACHARIAH JUDSON RUTLEDGE
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

* * * * *

ZACHARIAH JUDSON RUTLEDGE,) CASE NO.: CV 07-04274 EMC
Plaintiff,))
) WAIVER OF SERVICE
vs.))
COUNTY OF SONOMA, MICHAEL)
POTTS, RUSSEL L. DAVIDSON,)
JAMES PATRICK CASEY, CHRISTINE)
M. COOK, BEAU R. MARTIN,)
J. MICHAEL MULLINS, STEPHAN R.)
PASSALACQUA, GREG JACOBS,)
SONOMA COUNTY SHERIFF'S)
DEPARTMENT, SONOMA COUNTY)
DISTRICT ATTORNEY'S OFFICE,)
and DOES 1 through 40.)
Defendants.)
_____)

1 TO: J. DAVID NICK and E.D. LERMAN, attorneys for Plaintiff, Zachariah Rutledge,

2 I acknowledge receipt of your request that I waive service of a summons in the above
3 captioned action, Rutledge v. Sonoma County et al, which is case number CV 07-04274 EMC
4 in the United States District Court for the Northern District of California, on behalf of the
5 following defendants:

6 COUNTY OF SONOMA,
7 RUSSEL L. DAVIDSON,
BEAU R. MARTIN,
J. MICHAEL MULLINS,
8 STEPHAN R. PASSALACQUA,
CHRISTINE M. COOK,
JAMES PATRICK CASEY,
9 GREG JACOBS,
10 SONOMA COUNTY SHERIFF'S DEPARTMENT, and
SONOMA COUNTY DISTRICT ATTORNEY'S OFFICE.

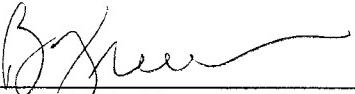
11 I have also received a copy of the complaint, first amended complaint, second amended
12 complaint, ECF Registration Information Handout, Order Setting Initial Case Management
13 Conference and ADR Deadlines, Welcome to the U.S. District Court, San Francisco Office
14 Hours, and Notice of Assignment of Case to a United States Magistrate Judge for Trial, in the
15 action, and two copies of this instrument, and a means by which I can return the signed waiver
16 to you without cost to me.

17 I agree to save the cost of service of a summons and an additional copy of the complaint
18 in this lawsuit by not requiring that the entity on whose behalf I am acting be served with
19 judicial process in the manner provided by Rule 4.

20 All of the aforementioned defendants will retain all defenses or objections to the lawsuit
21 or to the jurisdiction or venue of the court except for objections based on a defect in the
22 summons or in the service of the summons.

23 I understand that a judgment may be entered against all of the aforementioned
24 defendants if an answer or motion under Rule 12 is not served upon you within 60 plus 5 days
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1 after January 29, 2008, or within 90 days after that date if the request was sent outside the
2 United States.

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4 Date: 1/31/08
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Bonnie A. Freeman, Esq.
SENNEFF, FREEMAN & BLUESTONE, LLP
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P.O. Box 3729
Santa Rosa, CA 95402

DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.